## REMARKS

Entry of this amendment, reconsideration of all grounds of rejection and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-9 remain pending herein. Claims 1 and 4 are independent claims. Claims 1-6 stand rejected. Claims 7-9, which were added in the previous Amendment mailed February 26, 2007, were not addressed in the Office Action. Applicant respectfully requests acknowledgement that these claims were entered into the record and considered on their individual merits for patentability on the record, as currently no *prima facie* case of obviousness has been set forth against these claims.

Claims 1 and 4 have been amended to recite that the pair of switching devices is configured to loop-back optical signals related to a link failure to one of the first and second ring networks that does not have a link failure when a failure occurs between the nodes via one of the first or second ring networks, and wherein the looped-back optical signals related to the link failure bypass the add/drop multiplexer on said one the first and second ring networks so that each add/drop multiplexer only multiplexes or demultiplexes optical signals which it must add or drop. Support is clearly found throughout the specification and drawings, particularly at page 13, line 18, to page 14, line 9 and shown in Figs. 3 and 5.

Claims 1-6 stand rejected under 35 USC § 103(a) as being unpatentable over applicant's admitted prior art FIG. 2 (hereafter "AAPA") in view of Liu (US 6,519,060). Applicant respectfully traverses for the reasons indicated herein below.

Applicant disclosed in the specification that one of the problems associated with

loop-back is that the add/drop demultiplexers must loop back the optical signals related to a failure along with the optical signals on another ring network, forcing the network to have an add/drop multiplexer/demultiplexer with a capacity of 1x2N (specification at page 5, lines 12-15) in consideration of failure events.

In contrast, in the presently claimed invention, the structure permits in the case of a failure that the looped back optical signals related to the failure bypass the add/drop multiplexer on the other ring network so that each add/drop multiplexer multiplexes or demultiplexes only optical signals which it must add or drop (specification at page 13, lines 18-22, and recited in claims 1 and 4).

Moreover, the combination of the AAPA and Liu fails to disclose or suggest the claimed invention, as the combination provides no teaching, suggestion, motivation, nor are the combined elements of the claims obvious within the ordinary skill in the art.

For example, with regard to the combination of the AAPA and Liu, Liu merely shows a slicer that has a splitter with express lanes, but fails in combination with the APA, to disclose or suggest the looping back of signals wherein the signals on the side with the failure bypass the add/drop multiplexer/demultiplexer on the other ring network. The AAPA in FIGS. 1 and 2 at best show a conventional loop-back. The reason that the WDMs in FIG. 2 are 1x2N is they contemplate the need to be able to have the capacity available for another ring in a loop back that passes all the wavelengths. It is respectfully submitted that claim 1 clearly recites a capacity of "1xN" and not 1x2N.

The loop-back shown in the AAPA clearly shows the all the loop-back signals pass through the add/drop multiplexer 10b (illustrated also in FIG. 1).

For at least the above reasons, a person of ordinary skill in the art would not

have found claims 1 or 4 obvious over the combination of APA and Liu, and the combination of elements would not have been obvious within the ordinary skill in the art. In addition, all of the claims dependent from one of claims 1 or 4 are believed to be patentable at least for this reason and because of a separate for patentability. Individual consideration of each claim on its own merits is also respectfully requested.

To reject a claim under section 103, the United States Court of Appeals for the Federal Circuit required a showing of **an unrebutted *prima facie* case of obviousness** (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998)). According to United States Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, the *prima facie* case can be established only if the prior art references, among others, **teach all features** in the claims (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1970); see also MPEP 2143.03), and/or those features as combined in the claims would have been within the ordinary skill in the art (*KSR International Co. v. Teleflex Inc. et al.*, No. 04-1350, U.S. Supreme Court, decided April 30, 2007).

With regard to the aforementioned paragraph, the Office Action completely fails to set forth a *prima facie* case of obviousness against claims 7-9 at least for the reason that the Office Action made no mention of these claims, and incorrectly lists claims 1-6 as the only claims pending herein, although claims 7-9 were previously added. Thus, with no rejection of record, these claims are allowable.

Reconsideration and withdrawal of this ground of rejection are respectfully requested for all of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is

respectfully requested.

Should the Examiner deem that there are any issues that may be best resolved by telephone, please contact Applicant's undersigned attorney at the telephone number herein below.

Respectfully submitted,

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